

**HORICON TOWN BOARD
REGULAR MEETING OF THE BOARD**

**JUNE 16, 2011
7:00 PM**

Present at meeting	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Joseph Dooris	Councilman

Krista Wood

Town Clerk

Town Counsel

Mark Schachner

Also: HS Paul Smith, Deanne and Victoria Paull, Gordy Hayes, Tom Johansen, Harvey Leidy, Matt Simpson, Gary Frenz, Vince Blando, Jane Smith, Ann Pieper, Harry Balz, Sam Baker, Vic Maxam, Dan and Beth Smith, Joe Koch, Dana Ayres, Brandon Himoff, John Donovan, and others.

Supervisor Bentley called the meeting to order at 7:00 PM.

Approval of Minutes: Minutes of May 17, 2011 were approved by Motion of Messrs. Hill and Dooris, all Ayes.

Approval of Abstracts:

RESOLUTION #86-2011

Messrs. Olson and Hill introduced Res. No. 86 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the June 2011 Vouchers and Abstracts as follows:

General Vouchers	# 138 - 172	\$ 15,114.55
Highway Vouchers	# 92 - 107	\$ 99,314.04
General Abstracts	15 & 16	\$ 208,865.89
Highway Abstracts	15 & 16	\$ 18,342.07

Correspondence to the Board:

- Harvey Leidy	RE: Warrensburg Community Garden and Boat Launch Steward
- Deanne Paull	RE: Petition to Request Zoning change to allow farm animals
- Carl & Meg Heilman	RE: Letter in support of Zoning change to allow farm animals
- Joe & Lori Tobia	RE: Requesting a boundary adjustment from the Town

Resolutions:

RESOLUTION #87-2011

Messrs. Hill and Higgins introduced Res. No. 87 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS

RESOLVED, that the Horicon Town Board does hereby authorize the bookkeeper to make the following fund transfer:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
<i>General:</i>		
8010.4 (Zoning-Cont)	8010.2 (Zoning-Equip)	\$ 53.90
1990.4 (Contin.)	9050.8 (Unempl.)	\$ 1,874.00
<i>Highway:</i>		
5130.4 (Mach. Cont)	5130.2 (Mach Equip.)	\$ 483.38

5142.1 (Snow Pers.) 5142.4 (Snow Contin.) \$1,106.74

RESOLUTION #88-2011

Messrs. Dooris and Olson introduced Res. No. 88 and moved its adoption, all Ayes:

RESOLUTION TO CONTRACT WITH ALONZO FIREWORKS FOR HORICON DAY

RESOLVED, that the Horicon Town Board does hereby agree to contract with Alonzo Fireworks to provide the fireworks display for Horicon Day on August 6th at a cost of \$3,500.00 Funding for the fireworks will be taken from the Special Publicity Fund (A6412.4).

RESOLUTION #89-2011

Messrs. Olson and Hill introduced Res. No. 88 and moved its adoption, all Ayes:

RESOLUTION AUTHORIZING SUPERVISOR BENTLEY TO SIGN THE AGREEMENT WITH STONE INDUSTRIES

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Bentley to sign the proposal/agreement submitted by Stone Industries, LLC. The agreement states that Stone Industries will provide sanitary facilities for the Horicon Day festivities on August 6, 2011 at a cost of \$1,034.25.

Old Business:

RFP for Waste Disposal update: Supervisor Bentley told the Board that the RFP has been sent out from Warren County for waste disposal.

Roof repairs to recycling building at Landfill: The Board reviewed the plans and the proposed contract from Eric & Eric for the roof repairs to the recycling building at the Landfill.

RESOLUTION #90-2011

Messrs. Olson and Higgins introduced Res. No. 90 and moved its adoption, all Ayes:

RESOLUTION AUTHORIZING SUPERVISOR BENTLEY TO SIGN THE CONTRACT WITH ERIC & ERIC

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize Supervisor Bentley to sign the contract with Eric & Eric, Inc. for repairs to the roof of the Recycling Building at the Landfill for the cost of \$5,984.00. The Board further authorizes that a \$2,500.00 down payment be made to Eric & Eric, Inc. to schedule and order materials with the balance due upon completion.

Update on legal advertising: Town Counsel Mark Schachner advised the Board that based on their review so far he cannot conclude that the Adirondack Journal falls under the NYS law definition of a lawful newspaper to be used for legal advertising. Councilman Olson stated that in the absence of proof it is reasonable then to accept the Post-Star as the newspaper for legal advertising. Counselor Schachner clarified that, yes, it is the absence of appropriate documentation to back up the statements made by the publisher of the Adirondack Journal. The question is whether or not the Adirondack Journal is "grandfathered" under state law by virtue of having been published prior to changes in requirements and/or by virtue of being sufficiently connected with a prior publication with which it has merged as claimed by the Adirondack Journal. However, he has been unable to obtain appropriate documentation to support this claim. The following Resolution was made:

RESOLUTION #91-2011

Messrs. Dooris and Hill introduced Res. No. 91 and moved its adoption, all Ayes:

RESOLUTION TO USE THE POST-STAR FOR LEGAL ADVERTISING

WHEREAS, there is still insufficient evidence to support the claim of the Adirondack Journal that they are a "legal publication" under the law and can therefore be used for legal advertising, NOW, THEREFORE BE IT

RESOLVED, that in the absence of proper documentation to support the claim by the Adirondack Journal that they can be used for legal advertising, the Horicon Town Board does hereby declare that The Post-Star is to be used for all legal advertising.

Board of Ethics: Councilman Dooris advised the Board that he and Councilman Olson have interviewed the applicants for the Board of Ethics and are prepared to make their recommendations. He also presented the Board with a proposed amendment to the Code of Ethics. The proposed amendment would set a term limit for the members on the Board of Ethics and makes a provision for an alternate member to be appointed. Councilman Higgins advised Counselor Schachner there were several applicants that did have conflicts of interest and asked how this should be handled. Counselor Schachner advised that if there was a conflict of interest, the Board of Ethics member would not be able to participate and the alternate would step in. Councilman Dooris stated that this was one reason for proposing to amend the Code of Ethics to allow for an alternate. The Board decided to call a Public Hearing for the purpose of reviewing the proposed amendment to the Code of Ethics and in the mean time the Personnel Committee will make the Board of Ethics appointments.

RESOLUTION #92-2011

Messrs. Dooris and Olson introduced Res. No. 92 and moved its adoption, all Ayes:

**RESOLUTION TO SET A PUBLIC HEARING FOR PROPOSED CHANGES
TO THE CODE OF ETHICS**

RESOLVED, that the Town Board of the Town of Horicon does hereby set a Public Hearing for the purpose of reviewing proposed changes to the Town of Horicon Code of Ethics to be held at the Horicon Community Center on Thursday, July 21, 2011 at 7:00 PM. All those wishing to attend will be heard.

RESOLUTION #93-2011

Messrs. Dooris and Olson introduced Res. No. 93 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT BOARD OF ETHICS

WHEREAS, the Town of Horicon Code of Ethics calls for the appointment of a Board of Ethics to serve at the pleasure of the Town Board, AND

WHEREAS, the current Board of Ethics had only two living members remaining, both of whom resigned their positions on the Board of Ethics, so the Town Board sought applications from any interested parties who wished to serve on the Board of Ethics, NOW, THEREFORE BE IT RESOLVED, that the Personnel Committee, having interviewed the applicants, does hereby recommend five individuals to serve on the Board of Ethics, BE IT FURTHER

RESOLVED, that the Town Board does hereby support the recommendation of the Personnel Committee and does hereby appoint the following people to the Town of Horicon Board of Ethics through the end of the year:

Jane Smith
William McGhie
Edna Trumble

Jason Willette
Dave Iasevoli

Councilman Dooris pointed out that there is no provision in the Code for the appointment of a Chairperson. Counselor Schachner stated that the Town Board would make the appointment, so the Town Board asks that the Board of Ethics meet and make a recommendation to the Town Board for the Chairperson. The Town Board will then appoint the Chairperson for the Board of Ethics.

Pumpkin Hollow Road update: The Board reviewed the update from Town Counsel which advised that the parties from whom they are seeking easements are agreeable in concept to granting those easements as long as they have say over how and where the road improvements are made. Counselor Schachner suggested that a meeting be held jointly with the Supervisor, Town Counsel, HS Paul Smith, the Surveyor, and the property owners along with their Counsel to review this on-site. The Clerk will contact the surveyor to see what his schedule is and relay the information to Counselor Schachner.

Adirondack Day Camp update: Supervisor Bentley advised the Board that the proper insurance coverage has been obtained by Adirondack Day Camp and they are all set to go.

Tobia Propane Tank: Councilman Hill told the Board that based on the survey line the propane tank of Mr. Tobia is on Town property and this opens the Town up for liability if something were to happen. Mr. Tobia has asked for a boundary line adjustment to remedy the situation. The Board discussed this option and does not wish to grant a boundary line adjustment. The Board instructed the Clerk to send a letter to Mr. Tobia advising him of their decision.

RESOLUTION #94-2011

Messrs. Dooris and Hill introduced Res. No. 94 and moved its adoption, all Ayes:

RESOLUTION TO NOTIFY LANDOWNER THAT PROPANE TANK MUST BE MOVED

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Clerk to send a letter to Joe Tobia of Adirondack advising him that he has 30 days from the receipt of notification to remove his propane tank so that it does not sit on Town owned property.

Septic at Adirondack Post Office: Councilman Olson asked what the status was of the septic system at the Post Office in Adirondack. Councilman Hill stated that the septic failed back in March of this year and Zoning Administrator McMeekin instructed the owner on what needed to be done to correct the issues but to date nothing has been done to repair the septic. The issue needs to be resolved.

A Motion was made by Councilman Olson, seconded by Councilman Hill, to go into session as the Town Board of Health to address the issue of the failed septic at the Adirondack Post Office. The Board moved into session as Town Board of Health at 7:44PM. The following Resolution was made:

RESOLUTION #95-2011

Messrs. Dooris and Hill introduced Res. No. 94 and moved its adoption, all Ayes:

RESOLUTION TO NOTIFY LANDOWNER THAT SEPTIC MUST BE REPAIRED

RESOLVED, that the Town Board of the Town of Horicon, acting in its capacity as the Local Board of Health, does hereby authorize the Clerk to notify the owner of property located at 5 Red Wing Road in Adirondack that he has 30 days from the receipt of notification to complete repairs to the failed septic on said property. If the septic issue is not corrected within thirty (30) days from receipt of notification, the Horicon Town Board of Health may seek to impose penalties and take further action against the property owner.

A Motion was made by Councilman Dooris, seconded by Councilman Hill, to move back into regular session. The Board moved back into regular session at 7:46PM.

Heintzelman Library: Councilman Dooris advised the Board that the roof on the old Heintzelman Library was in need of repairs and suggested getting someone to take a look at it. If it is not feasible to make repairs this year the Board should budget this for next year. Councilman Hill said he would get someone to take a look at the roof.

Assistant Zoning Officer:

RESOLUTION #96-2011

Messrs. Higgins and Dooris introduced Res. No. 96 and moved its adoption, all Ayes:

RESOLUTION TO ADVERTISE FOR ASSISTANT ZONING ADMINISTRATOR

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Clerk to advertise for the position of Assistant Zoning Administrator. Applications will be accepted until July 18, 2011 at 10:00 AM.

New Business:

Exterior Audio System quote: Councilman Olson obtained a quote from Adirondack Audio for an exterior sound system. After a brief discussion, the Board decided they would not move forward at the present time with the purchase of a sound system.

Request for Zoning change to allow farm animals: Deanne Paull presented the Board with a petition requesting a Zoning change to allow farm animals in the R25 Zone. The petition contained 323 signatures in support of the change. Deanne Paull explained to the Board what ultimately brought her to this point. There was a lengthy discussion on the wording of the Zoning Ordinance and how it related to Deanne Paull's situation. Harry Balz, member of the Zoning Ordinance Review Committee, told the Board that the topic of farm animals is on their list of items to be reviewed. Councilman Higgins and Councilman Olson are on the Zoning Review Committee and agreed that they would take the information from tonight's meeting to the Review Committee and see that it is addressed.

NYSBA Green Building Program: Supervisor Bentley asked Councilman Olson to explain what the training course was about that was scheduled to be held at the Community Center in July. Councilman Olson explained that it was a training course sponsored by NYSBA on "green building" and what that means. The cost is \$10 per person and is open to the public. A brief discussion followed regarding the scheduling and details of the program.

RESOLUTION #97-2011

Messrs. Dooris and Higgins introduced Res. No. 97 and moved its adoption, Ayes-4/Abstain-1:

RESOLUTION TO AUTHORIZE TRAINING COURSE TO BE HELD AT COMMUNITY CENTER

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the use of the Horicon Community Center for a program hosted by NYSBA Research Center for a program on Green Building. The program will be held Thursday, July 14, 2011 at 10:00AM.

Privilege of the Floor:

-Vince Blando, of the East Shore Schroon Lake Association, gave an update on the actions of the Steering Committee for the Schroon Lake Watershed Plan. He advised the Board that the Steering Committee is pursuing a more aggressive milfoil control program on Schroon Lake.

-Pam Morin, of Warren County Planning & Community Development, gave a presentation on the First Wilderness Heritage Corridor program. As part of this program the contract has been signed which opens up the train which will run from North Creek to Saratoga with connections to Amtrak and New York City. She explained that this opens up a big tourism opportunity for the surrounding communities through the creative itineraries that are being developed.

-Councilman Olson spoke about the feedback he has received on the proposed Camp Wood Regulations that were brought up at the May meeting. He noted that he has received quite a bit of feedback on the topic and the general feeling is that the sale of camp wood is "part of rural life" and there are enough restrictions already. Motion was made by Councilman Olson to table the proposed Camp Wood Regulations indefinitely, seconded by Councilman Dooris, all in favor.

Adjourn... There being no further business to attend to the meeting was adjourned at 9:00 PM by MOTION of Messrs. Dooris and Olson, all in favor.

Respectfully Submitted:

Town Clerk